



May 23, 2016

**VIA ECF**

Hon. Stanley R. Chesler, U.S.D.J.  
United States District Court  
District of New Jersey  
Martin Luther King Building & U.S.  
Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

Re: **Terra Finance, LLC v. Acrow Corporation of America**  
Docket No.: 16-cv-00075 (SJC) (RLM)

Your Honor:

We represent Acrow Corporation of America (“Acrow”) in the above referenced action. We are writing in response to the plaintiff’s request for a six week extension to respond to Acrow’s motion to dismiss this action and compel arbitration. (Docket No. 8). For the reasons set forth herein, while we have no objection to a reasonable extension of time, we feel the requested extension is too long.

As set forth in Acrow’s motion, the parties entered into multiple agreements that provided for all disputes to be determined by arbitration with the International Court of Arbitration (the “ICC”). In recognition of this agreement, plaintiff has already instituted an ICC arbitration against Acrow asserting allegations that are essentially identical to those raised in the lawsuit. Given plaintiff’s acknowledgement of the existence and applicability of the arbitration clause, the pending motion is quite simple, and plaintiff’s response should not be complicated.

At the same time, significant procedural steps already have been taken in the arbitration: plaintiff has filed its request for arbitration, the parties have each identified the venue and language of the arbitration proceeding, and Acrow has identified its party-appointed arbitrator. In addition, Acrow’s Answer to the Request for Arbitration is due on June 13, 2016. We note as well that a pre-trial conference has been scheduled in this action for June 29, 2016. (Docket No. 11). Given the necessary expenditure of time and resources in connection with both the arbitration and the essentially identical action, Acrow wishes to resolve the question raised by the motion expeditiously. We therefore respectfully request that this Court deny the plaintiff’s application for a six week extension and limit any extension to two weeks. We should note as

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well that we previously requested that plaintiff consent to a one week extension in connection with the preparation of our motion, and plaintiff's counsel refused to provide such.

We thank the Court for its attention to this matter.

Respectfully submitted,

*/s/ Kenneth C. Beehler*

Kenneth C. Beehler

Cc: All Counsel of Record  
**(via ECF)**